

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Devin Jamaal Kershaw, #285275,)	
)	C/A No. 6:10-0951-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Anthony J. Padula; Jon Ozmint; Bruce)	
Oberman; L. Greer; Robert Johnson;)	
B. Durant; L. Epps; Michelle Miller,)	
)	
Defendants.)	
_____)	

Plaintiff Devin Jamaal Kershaw is an inmate in custody of the South Carolina Department of Corrections (SCDC) who currently is housed at Lee Correctional Institution in Bishopville, South Carolina. Plaintiff, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 on April 16, 2010, alleging, among other things, that his constitutional rights had been violated in various respects.

This matter is before the court on motion for summary judgment filed by Defendants on November 1, 2010. On November 2, 2010, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedures and the possible consequences of failing to respond adequately. Plaintiff filed a response in opposition to Defendants' motion on January 3, 2011.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The case subsequently was assigned to United States Magistrate Judge Kevin F. McDonald. On April 6, 2011, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that

Defendants' motion for summary judgment be granted and that the court decline to exercise jurisdiction over any state law claims. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. For the reasons stated hereinabove and in the Report of Magistrate Judge, Defendants' motion for summary judgment (ECF No. 51) is **granted**. The court declines to exercise jurisdiction over any state law claims asserted by Plaintiff.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

May 3, 2011

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**